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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENT**  
(Chapter II of the Patent Cooperation Treaty)  
(PCT Article 36 and Rule 70)

REC'D 06 DEC 2005  
 WPO PCT

Applicant's or agent's file reference  12330PC2	<b>FOR FURTHER ACTION</b>	
See Form PCT/IPEA/416		
International application No.  <b>PCT/AU2004/001097</b>	International filing date (day/month/year)  16 August 2004	Priority date (day/month/year)  15 August 2003
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl. 7 E02B 11/00, 15/04, 15/10, E03B 3/04, 5/00, E02D 19/00, E21F 16/00, B65G 53/26, 53/24, 65/40</b>		
<b>Applicant</b> REARDON, Angus		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of 3 sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of 3 sheets, as follows:	
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I Basis of the report	
<input type="checkbox"/> Box No. II Priority	
<input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
<input type="checkbox"/> Box No. IV Lack of unity of invention	
<input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
<input type="checkbox"/> Box No. VI Certain documents cited	
<input type="checkbox"/> Box No. VII Certain defects in the international application	
<input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand  15 June 2005	Date of completion of the report  25 November 2005
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>JASON PREMNATH</b> Telephone No. (02) 6283 2127

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001097

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1 (b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
  - the international application as originally filed/furnished
  - the description:
    - pages 1 - 16 as originally filed/furnished
    - pages\* received by this Authority on with the letter of
    - pages\* received by this Authority on with the letter of
  - the claims:
    - pages as originally filed/furnished
    - pages\* as amended (together with any statement) under Article 19
    - pages\* 17 - 19 received by this Authority on 15 June 2005 with the letter of 15 June 2005
    - pages\* received by this Authority on with the letter of
  - the drawings:
    - pages 1 - 6 as originally filed/furnished
    - pages\* received by this Authority on with the letter of
    - pages\* received by this Authority on with the letter of
  - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to the sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001097

**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims 1 - 22	YES
	Claims 23	NO
Inventive step (IS)	Claims 1 - 22	YES
	Claims 23	NO
Industrial applicability (IA)	Claims 1 - 23	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

The following documents are considered to be relevant:

New Citation: US 4275995 A (TAYLOR) 30 June 1981

D1: US 4789307

**Claims 1 - 22**

Claims 1 - 22 relate to an apparatus for removing liquid from a body of liquid. These claims are novel when compared with the above documents because none of these documents teaches all the essential features of the invention, in particular, the spheroidal or the ovoidal shape of the hollow body which helps in manoeuvring the apparatus over the liquid body and in preventing the sinking into muddy or silty beds.

Therefore the invention defined in claims 1 - 22 is novel and is considered to involve an inventive step.

**Claim 23**

US 4275995 discloses with reference to Figure 4 and the description at column 2 line 55 to column 3 line 6 an apparatus for removing liquid from a body of water, hollow body 10 comprising two components being the top wall 12 and the bottom plate 20 which are detachable connected and having one or more openings being the plurality of slots 18 extending from the juncture of these two parts for entry of water. There is no requirement in claim 23 that the hollow body is spheroidal or ovoidal.

Thus Claim 23 is not novel when compared with US 4275995.

D1 discloses all the features of Claim 23 except that the openings 21 in D1 are placed not at the junction between the two components of the body but at a lower level. It is considered that the placement of the openings is a non-inventive design choice that the skilled addressee would make.

Thus claim 23 lacks inventive step when compared with D1.